APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)

TO: Town of Matthews Board of Commissioners
    Town of Matthews Planning Board
    232 Matthews Station Street
    Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

✔ A change in zoning classification of the property hereinafter described; or

___ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): ____________________________ 21503214, 21503215

                           929-1015 MATTHEWS SCHOOL RD

Address of property: ____________________________________________________________

MATTHEWS SCHOOL RD, HABITAT FOR HUMANITY - SUNRISE CROSSING DEVELOPMENT

Location of property:

Title to the property was acquired on __________________________ 05/24/2011

and was recorded in the name of __________________________ Habitat for Humanity of Matthews, Inc.

whose mailing address is __________________________ PO Box 2008, Matthews, NC 28106

The deed is recorded in Book __________________________ 25982 and 26499 and Page __________________________ 977 and 223 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: __________________________ R-12

Requested zoning classification: __________________________ R-VS
List reason(s) why zoning should be changed (use separate sheet if necessary):

Habitat for Humanity of Matthews (HFHM) requests the rezoning of two parcels within an existing HFHM community of Sunrise Crossing. The rezoning from R-12 to the requested R-VS is to ensure that the existing parcels provide the most efficient yield of residential build sites in order to provide affordable, decent housing for deserving families.
(See attached cover letter for additional detail)

Signature of property owner (must be original)

Habitat for Humanity of Matthews, Inc.
Print name of property owner
PO Box 2008
Property owner’s mailing address
Matthews, NC  28106
Property owner’s mailing address, continued
Property owner’s mailing address, continued
704-847-4266, 223
Property owner’s phone number/email address
brian@habitatmatthews.org

Signature of agent (if any)
N/A
Print name of agent
Agent’s mailing address
Agent’s mailing address, continued
Agent’s mailing address, continued
Agent’s phone number/email address

Petitioner other than owner (if any)
N/A
Print name of petitioner
Petitioner’s mailing address
Petitioner’s mailing address, continued
Petitioner’s mailing address, continued
Petitioner’s phone number/email address
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<th>STATE</th>
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<th>PROPERTY ADDRESS</th>
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<th>DEED BOOK</th>
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SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews ___________________________ 11/30/2012

Town Board of Commissioners formally accepts application and sets Public Hearing date ___________________________ 12/10/2012

Notices sent via mail to affected/adjacent property owners on or before ___________________________ 1/28/2013

Protest petition filed with Planning Department by 5:00 pm on ___________________________ 2/6/2013

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning ___________________________ 2/11/2013

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request ___________________________ 2/26/2013

Town Board of Commissioners approves or denies application ___________________________ 3/1/2013

GENERAL STATUTE 160A-385: CHANGES.

(a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issues pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 4
Dear «OWNER_NAME»,

Habitat for Humanity of Matthews is writing you regarding an upcoming rezoning of property, in your area. The two parcels (i.e., 21503214 and 21503215), highlighted on the first map, below, are part of a rezoning request to the Town of Matthews. This notice is to inform you of an upcoming meeting.

This meeting is to update you on the reclassification of land to be used for new homes. We will have more detailed information about the subdivided parcels, at that time.

Respectfully,

[Signature]

Terrell Blackmon
Executive Director
Habitat for Humanity of Matthews (HFM) requests the rezoning of two parcels (21503214 and 21503214) within the existing HFM community of Sunrise Crossing (on Matthews School RD, across from Merancas CT) from the Town of Matthews (TOM). The request aligns with the Matthews Land Use Plan 2002-2012, which states: “The quadrant bounded by the I-485 interchange, the railroad tracks, the future Independence Pointe connector road, and backing up to the Crestdale residential area may be an appropriate site for institutional or R-VS residential development.” And it further iterates: “At the John/I-485 quadrant backing up to the Crestdale neighborhood, traditional single-family residential or R-VS alternative styles of housing should be requested.”

The rezoning from R-12 to R-VS will ensure that the existing parcels provide the most efficient yield of affordable, decent housing sites for deserving families. The prospected homes are will adhere to the R-VS zoning dimensions, while exceeding physical separation standards between structures. We anticipate that, if the R-VS zoning is approved, it will permit the construction of housing for eight (8) families. HFM will attempt to identify a variety of architectural plans, which will blend with the existing styles of the surrounding community, in an aesthetically-appropriate manner. All homes will be constructed within energy-efficient and sustainable building guidelines. HFM’s desire to enhance the quality of life is of paramount concern, and it views each family as a partner for the long term.

Both parcels provide ample tree canopy and possess elevated topography, which allows for effective storm water runoff. Driveway connectivity will be to an existing paved street (i.e., Matthews School RD). All home sites will have adequate space, both length and width for two (2) parking spaces, surrounded by ample green space. And this area will not protrude into the existing right-of-way. Rezoned parcels will retain a maximum area of green space (i.e., an optimum amount of tree canopy and ground cover) to inhibit soil erosion and enhance rainwater absorption. The anticipated subdivision of the parcels will result in nine (9) sections. Eight (8) of the sections will be 48’ W. Regarding the remaining one (1) section (~15’ W), HFM will collaborate with the TOM to identify an appropriate use, which aligns with the TOM’s efforts regarding the proposed John ST connector road. The future access road for the anticipated Matthews Sportsplex is adjacent. It will allow residents and their children have access to many amenities, which will improve quality of life.

If the TOM approves this rezoning request, HFM would begin the subdivision process, which would include platting and dedicating proper road right-of-way. In addition, HFM would work with the TOM to identify proper infrastructure improvements (e.g., sidewalks). Curbing and storm water drainage is already in place, along the entire street front of both parcels.

HFM will continue to work closely with Planning Board, Town Staff, and Leadership, along with members of the Sunrise Crossing Community, to ensure that the rezoned parcels, along with the prospected homes, will continue enhance the quality of life as well as be a point of pride for all who live there.

Name: ___________________ Signature: ___________________ Date: 11/28/2012

PO Box 2008, Matthews, NC 28106 ~ 704-847-4266 (p) ~ 704-849-2509 (f)  
mail@habitatmatthews.org ~ www.habitatmatthews.org